

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:

Tracy Drake,

Debtor

Case No 21-04903

Judge David D. Cleary

Chapter 13

Trustee – Marilyn O Marshall

NOTICE OF OBJECTION TO CLAIM

TO: Trustee – Marilyn O Marshall *

Paul M. Bach*

P.O Box 1285

Northbrook IL, 60065

The debtor, Tracy Drake, has filed an objection to the claim filed by Integrity Investment Fund, LLC, in her bankruptcy case.

This claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

*If you do not want the court to eliminate or change this claim, you or your lawyer **must**:*

EITHER

Attend the hearing scheduled to be held on Monday, September 13, 2021, at 1:30 p.m. before the Honorable David D. Cleary, Bankruptcy Judge, or any Judge who may be hearing this objection in his stead.

This objection will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646828-7666. Then enter the meeting ID and password.

Meeting ID and password.

The meeting ID for this hearing is 161 122 6457 and the password is Cleary644. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

OR

on or before September 10, 2021 file with the court a written response explaining your position, either electronically if you are authorized to use the court's ECF system, or else at:

Clerk, U.S. Bankruptcy Court
Room 713
219 S. Dearborn Street Chicago IL
60604

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before September 10, 2021.

If you choose to respond in writing, and are not authorized to file electronically you must also mail or otherwise serve a copy according to the Bankruptcy Rules and Local Rules to:

James A. Brady
Legal Aid Chicago
120 S. LaSalle St., Ste. 900 Chicago, IL
60603

and to everyone else who is listed as receiving a copy of this notice.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to the claim, and change or modify your claim as requested by the debtor.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Notice and the attached Objection to Claim by mailing a copy by Certified Mail, Return Receipt Requested to:

Paul M. Bach*
P.O Box 1285
Northbrook IL, 60065

and by e-mail to paul@bachoffices.com and by first class mail to all other persons listed above on the 20th day of August 2021, except as to the persons indicated by an asterisk (*), who are registrants with the Court's CM/ECF system and who have, pursuant to Fed. R. Bankr. P. 7005 and 9036, and §II.B.4 of the Court's Administrative Procedures waived the right to receive notice by first class mail and consented to receive notice electronically, and waived the right to service by personal service or first class mail and consented to receive electronic service.

/s/ James A. Brady
James A. Brady

Attorney for Debtor
ARDC ID# 6206623

LEGAL AID CHICAGO
120 S. LaSalle St., Suite 900
Chicago, IL 60603
Phone: 312.347.8361

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IN RE:

Case No 21-04903

Tracy Drake,

Judge David D. Cleary

Chapter 13

Debtor

Trustee – Marilyn Marshall

**DEBTOR TRACY DRAKE’S OBJECTION TO PROOF OF CLAIM
FILED BY INTEGRITY INVESTMENT FUND LLC**

Debtor, Tracy Drake (“Drake”), hereby objects to the Proof of Claim, filed by Integrity Investment Fund, LLC (hereinafter “Integrity”) pursuant to Fed.R.Bank.P. 3007 and 9014, and moves that this Court disallow Integrity’s claim. In support of his Objection, Drake states as follows:

1. On April 14, 2021 Drake filed her petition for chapter 13 bankruptcy.
2. Drake owns the real property located at 12343 S. May St., Calumet Park, IL 60827 (hereinafter “Property”).
3. On May 7, 2021, Drake filed her schedules and listed a secured debt to Integrity on Schedule D. *See* Doc. #12.
4. In both her initial and amended chapter 13 plans Drake proposes to pay a secured claim of \$30,711 to Integrity. *See* Doc. # 16 and 30.
5. Integrity filed its claim for \$32,808.96. *See* Proof of Claim #2, attached hereto as Exhibit 1.
6. Integrity has a tax lien secured by the Property. Integrity obtained this tax lien after purchasing delinquent taxes for the 2016 tax year at the Cook County Collector’s annual tax sale for \$4,684.99. Integrity also paid taxes due for the 2015 tax year of \$5,143.79. *See*

Certificate of Purchase, attached as Exhibit 2 and County Clerk of Cook County Estimate of Cost of Redemption, attached hereto as Exhibit 3.

7. Integrity also paid statutory costs of \$247, bringing the total amount Integrity paid at the time of the tax sale to \$10,075.78.
8. Integrity won the Cook County Collector's tax sale, which operates as an auction, by bidding a 0% penalty on the delinquent taxes. *Id.*
9. The only supporting document Integrity attached to its claim was the Certificate of Purchase (Exhibit 2).
10. Subsequent to the Cook County Collector's tax sale, Integrity paid \$13,117.77 in property taxes. The Estimate of Cost of Redemption shows that Integrity paid the assessed property taxes for tax years 2017, 2018 and the first installment of 2019. *See* Exhibit 3.
11. The Estimate of Cost of Redemption provides that the total amount necessary for redemption of the taxes due by April 16, 2021 was \$28,522.57. *See* Exhibit 3.
12. On June 15, 2021 the Cook County Treasurer ("Treasurer") also filed a claim regarding the property taxes assessed on the Property for \$29,171.77. The Treasurer divided its claim into two parts. First the taxes owed for the 1st installment of the 2020 taxes that came due prior to the filing of this case, owed to Cook County and a contingent claim for the 2016-2019 taxes. A copy of the Treasurer's claim is attached as Exhibit 4.
13. The Treasurer attached a Claim Itemization to its claim which indicates that Integrity paid \$2,155.60 for the 2nd installment of the 2019 taxes. A copy of the Treasurer's Claim Itemization is attached as Exhibit 6.

14. 35 ILCS 200/21-355 states the amounts an owner of a property interest must pay to redeem their property:

- a. The certificate amount. 35 ILCS 200/21-355(a).
- b. The accrued penalty. 35 ILCS 200/21-355(b).
- c. Various fees or other amounts paid by the certificate holder. 35 ILCS 200/21-355(d-f).
- d. And “[t]he total of all taxes... which have been paid by the tax certificate holder on or after the date those taxes or special assessments became delinquent together with 12% penalty on each amount so paid for each year or portion thereof intervening between the date of that payment and the date of redemption.” 35 ILCS 200/21-355(c).

15. Here, Integrity has only provided proof of 35 ILCS 200/21-355(a), the certificate amount of \$10,075.78. *See* Exhibit 2. Integrity has not provided any proof of what Drake must pay to satisfy the other requirements of 35 ILCS 200/21-355.

16. However, the Estimate of Cost of Redemption for \$28,522.77 provides support for all of the amounts due under 35 ILCS 200/21-355, including:

- a. the Certificate of Purchase amount of \$10,075.78;
- b. the accrued penalty of \$0;
- c. fees of \$1,570.70;
- d. subsequent taxes of \$13,117.77 for tax years 2017, 2018 and the first installment of 2019 and the subsequent penalty for these amounts, \$3,745.32.

17. Finally, the Treasurer's claim shows that despite it not being included in the Estimate of Cost of Redemption, Integrity did pay \$2,155.60 for the 2nd installment of the 2019 taxes.

See Exhibit 6.

18. As such, the proper amount of Integrity's claim should be \$30,678.17:

- a. \$28,522.77 from the Estimate of Cost of Redemption; and
- b. \$2,155.60 for the 2nd installment of the 2019 taxes.¹

19. Drake also disputes that she must pay Integrity 12% interest. The issue of what interest Drake must any to Integrity is the subject of Integrity's Objection to Confirmation of Debtor's Plan. *See Doc. # 18, 40 and 41.* Debtor adopts the arguments made in her Response to Integrity's objection. *See Doc. # 40.*

WHEREFORE, Debtor prays that the Court:

- a. Disallow Proof of Claim 2 as it stands;
- b. Allow Integrity 14 days to amend Proof of Claim 2 to reflect the proper amount of their claim, \$30,678.17; and
- c. If Integrity fails to file the amended Proof of Claim within 14 days, allow debtor to file the amended Proof of Claim on behalf of Integrity within 7 days thereafter; and
- d. Grant such other, further and different relief as may be just and proper.

Respectfully submitted,

/S/ James A. Brady
James A. Brady

James A. Brady
Attorney for Debtor
Attorney No. 620623

¹ In her plan Drake proposed a claim amount of \$30,711, recognizing there may be some penalty amount due to Integrity for its payment of the 2d installment of the 2019 taxes, but that amount is unknown.

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